

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.24158 OF 2005

DATED 11.11.2005

-

BETWEEN

Smt. Afroz Siddiqua, W/o Md.A.Malik,
H.No.10-2-463, Vijayanagar Colony, Asifnagar,
Hyderabad.

... Petitioner

and

The Deputy Director, Survey and Land Records, Hyderabad
And others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.24158 OF 2005

ORDER:

The petitioner claims to be the absolute owner and possessor of plot bearing MCH No.10-3-291/9 admeasuring 207 square yards, situated at Deveni Kunta, in Survey No.24 correlated to I.T.S.No.2, Ward No.23. She claims that the property is gifted to her by her mother under gift deed dated 23.05.1992. She alleges that recently there were some constructions made by encroachers on the plot as she could not regularly visit the plot as was the practice

earlier. Therefore, she made an application to the respondents, namely, Deputy Director of Survey and Land Records, District Collector and Mandal Revenue Officer, Asifnagar to demarcate the boundaries of plot bearing MCH No.10-3-291/9, in vain. Therefore, she filed the present writ petition seeking appropriate directions.

Admittedly, the property is situated in the area of Municipal Corporation of Hyderabad and it is a residential plot/residential property. Therefore, it is not the function of the revenue officials, like the District Collector and the Mandal Revenue Officer or the officials of Survey and Land Records Office, to survey the land and fix the boundaries. In her affidavit, the petitioner traced the title of her property and therefore nothing prevents her to approach the civil Court and seek a declaration, in which event, the property can be identified in appropriate incidental proceedings. Even according to the petitioner, the property was in tact till two months ago and only recently some illegal constructions are made. It is the primary duty of every person who claims to enjoy the property to protect his/her property and State always cannot be compelled to protect the private property of a citizen. If appropriate criminal complaint is made, the Police can investigate into the offence of criminal trespass. It is open to the petitioner to take recourse to any of the steps mentioned hereinabove.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(V.V.S.RAO,J)

11.11.2005.

pln